

FILED

MAY 2 2008 *new*
May 2, 2008
 MICHAEL W. DONNING
 CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Milton Jones R29598
Plaintiff

VS.

Terry McCann
Defendant

Case No. 08-C-2057

Honorable Elaine E. Bucklo

MOTION FOR APPOINTMENT OF COUNSEL.

1. I. Milton Jones, declare that I am the Plaintiff in the Above-Entitled proceeding and state that I am unable to afford the services of an Attorney, and hereby request the Court to appoint Counsel to represent me in this proceeding.

2. That plaintiff is presently incarcerated hereat the Stateville Correctional Center, P.O. BOX 112 Joliet Il. 60434.

3. That because of plaintiff's mental history and the psychotropic medications plaintiff is ingesting (1 mg. Klonopin, 30 mg. Paxil) in the morning and (1 mg. Klonopin, 3 mg. Risperdal) at night plaintiff is unable to adequately represent himself in this matter.

4. That this daily medication leaves plaintiff drowsy and incoherent and unable to function adequately enough to litigate this cause of action without the help of Counsel. I plaintiff is currently relying on other inmates to prepare my legal pleadings, who will not be available to me during the trial proceedings.

5. That plaintiff is unable to pay the cost of Counsel to represent me in this matter.

6. In support of my motion, I declare that I have made the following attempts to retain Counsel to represent me in this proceeding:

A. I wrote to Depaul University College of Law.

B. I wrote to Bluhm Legal Clinic Center on wrongful Convictions.

C. I wrote to the Illinois Pro Bono Center.

3. I wrote to the Illinois PIR and some others.
All the programs was not able to help me in my case.

7. In support of my motion, I declare why I need to request Counsel to represent me in this proceeding:

A. I inform my trial Attorney's that I have and had names, pictures, address, and SSN of all the people that did this crime. In trial this case was all about Accountability where a victim was beaten to death by about 14 people and I was the only charge. I had my family go down to the police station to turn the people in that did the crime, but they told my family to get a Attorney and go down to the States Attorney's office, Something that I never had a chance to do. I'm not trying to prove myself not guilty because I feel bad and responsible about me having to call my business partner to let him know his name is Deeon Boyd (DJ Deeon) I had to let him know that are Hot-Mix Tapes and CD's was stolen out of my truck and he came over to were I was with all these people and they Kidnaped and beaten the victim to death. I was found not guilty of the Kidnapping, but guilty of the Murder, I just would like to bring this case to justice and get a lesser sentence. I was sentence to 37 years for a crime that I did not do. But I know who did the crime and all of what they done. At trial the Jury came out with a Note asking for a Definition of Second Degree Murder." (See Appendix) JJ-121, My Attorney Mr. Breen said Second Degree Murder is not an issue in this case, without asking the Court for a lesser Jury Instruction. Also my Attorney would not allow me to make a deal with the States Attorney's. I need a Attorney that will work with the States Attorney's to prove my innocents. All this information was giving to my trial Attorney, but they never used it at my trial

8. In further support of my motion, I declare that:
I previously have been represented in a civil case by an Attorney
appointed by this Court in the proceedings.

Assigned Judge: George W. Lindberg

Case Number: 05-CV-3237

Case Title: Milton Jones R29598 VS. Frazier, et AL.,


Appointed Attorney Name: William R. Pokorny

Case is not pending: Has been Settled

9. In further support of my motion, I declare that:
I have attached an original Application to proceed In Forma
Pauperis detailing my financial status.

10. I, Milton Jones, summonly swear under oath and the penalty
of perjury, that all contained in this "Motion For Appointment
Of Counsel" is true and correct as stated.

WHEREFORE, Petitioner Milton Jones R29598, respectfully request
that Counsel be appointed to represent him in this matter.


SIGNATURE

Print Name Milton Jones

Number R29598

STATEVILLE CORR. CENTER

P.O. BOX 112

JOLIET IL. 60434

Petitioner, Pro Se

28 U.S.C. 1746

I declare under the penalty of perjury that there is no
Notary available to me and on this date I signed and
mailed these legal documents. (Date 4/21/08)

APPENDIX

1 exhibits forward.

2 THE SHERIFF: All rise for the jury.

3 (Whereupon, the Court gave its attention
4 to other matters, after which the
5 following proceedings were had; to-wit:)

6 THE COURT: All right. The first note came
7 at 2:50. They wanted transcripts. And my answer was:
8 Transcripts of testimony are not available. Please,
9 continue to deliberate and arrive at your verdict.
10 They wanted trial transcripts.

11 And the next report, they wanted police
12 reports, and statements. They wanted copies of it.
13 And I said: Please, continue to -- police reports are
14 not evidence. You heard the evidence, and statements.
15 Please, continue to deliberate and arrive at your
16 verdict.

17 We have another note. This note states:

18 "Can we please have a definition of second degree
19 murder."

20 MR. BREEN: Second degree murder is not an
21 issue in this case.

22 THE COURT: All right.

23 MR. PRUSAK: You can say, you have your
24 instructions. Please, keep deliberating.

UNITED STATES OF AMERICA
STATE OF ILLINOIS

A F F I D A V I T
OF
MILTON L. JONES

I, MILTON L. JONES, AFTER FIRST BEING DULY SWORN UPON HIS OATH
DO STATE AS FOLLOW:

1. I Milton Jones was not able to control what had happen on the day on June 25, 1999.
2. I had to inform my business Partner, Deeon Boyd about the SOX PARK MOB 19 Hot-mix Tapes that was stoling out of my 1996 white 2 door Blazer.
3. I Milton Jones witness ALLEN SHANKLIN put victims LOLITA SIERRA, and M.C. JONES in the back seat of Deeon Boyd white 4 door suburban while held with a rope. ALLEN SHANKLIN than got into the front seat of Deeon Boyd truck. Deeon Boyd was the driver of his white 4 door suburban on June 25, 1999.
4. From the beginning, I told my Retained Attorney Assistant what had happen and who did what. Doing trial my Attorney told me to take the stand and I agreed, Doing trial my Attorney did not bring out the truth and use the Evidence that I gave to his Assistant.
5. When it was time for me to take the stand, and not knowing what the state was to bring forth, Because I never had access to review the Evidence against me, I look up and seen that my family was in danger, Because of people that had Knowledge of the crime was in the court at the time that I took the stand.
6. If my Retained Attorney would have Brought out the Evidence in trial, the truth, I think I wouldn't been so Afraid to tell the hold truth of what Happin, and who did what.
7. Before trial, I requested that my family move to another location, and they did so. I believed that my retained Attorney was going to use the evidence that I presented to him in 2002. That was the only short time I was able to Communicate with my Attorney assistant. I never met with my Retained Attorney Raymond L. Prusak.
8. Doing Sentencing, I told the victims family that I will bring this case to justice. From that day on I have been investigating this case.

MOTIVE OF THE MURDER OF PATRICK BANKS

1. Me and my business partner Deeon Boyd items have been stoling out of my truck. SOX PARK MOB 19 Hot-mix Tapes was taking out of my truck on June 25, 1999.
2. Deeon Boyd had full control of what had happen that day, and Brought Beer as a payment for the crime that was committed.

UNITED STATES OF AMERICA

STATE OF ILLINOIS

A F F I D A V I T
(CONT'D)

3. In June 1999 SOX PARK MOB 19 Original Dat tape was Mailed next day Express From Deon Boyd, on east 47th street, to (me) Milton Jones 317 16th Street n.e. Cedar Rapids IOWA, By the U.S. Post Office, So that SOX PARK MOB 19 can be Edit and sent to Jordan Milevski at A.V.T. 704 Oak Creek DR. Lombard, Ill. 60148 to be copy and pick up.

4. I Milton Jones have been over medicated in the cook county Jail, and have been beaten very bad by officers. Now that I'm in prison my medication has been adjusted, and I have been working on and Investigating this case every day getting Evidence up with the help of my family and access to the Law library. Now I'm looking for a lesser charge or time severed with bringing this case to justice.

I MILTON JONES, So aver and declare that the foregoing is true and correct in both substance and fact and to the best of this Affiant's knowledge and Experiences. Affiant has not been threatened for the making of this statement, Such being of his own volition, as is here Evidenced by this Affiant's true and correct signature as is hereby affixed hereto under the penalty of perjury, pursuant to 28. U.S.C 1746.

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of perjury, that everything contained herein is true and accurate to the best of my knowledge and belief. I do declare and affirm that the matter at hand is not taken either frivolously or maliciously and that I believe the foregoing matter is taken in good faith.

Signed on this 22 day of JAN., 200 7.

Milton Jones

Affiant

IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

MILTON JONES

Plaintiff,

Case No. 08C2057

v.

TERRY McCANN

Defendant

PROOF/CERTIFICATE OF SERVICE

TO: CLERK'S OFFICE
U.S. DISTRICT COURT
219 S. DEARBORN STREET
CHICAGO IL. 60604

TO: _____

PLEASE TAKE NOTICE that on 4-27, 2008, I have placed the documents listed below in the institutional mail at STATEVILLE Correctional Center, properly addressed to the parties listed above for mailing through the United States Postal Service: _____

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

DATE: 4-21-08

/s/ Milton Jones
NAME: MILTON JONES
IDOC#: R29598
STATEVILLE Correctional Center
P.O. BOX 112
JOLIET, IL 60434